

dependent Claims 89-95, independent Claim 96 and dependent Claims 97-104.

Applicants acknowledge with thanks the allowance of Claims 1-11, 13-14, 16-18 and 27-45. Applicants also acknowledge the comments of the Office draftsman on form PTO-948, and will file complete formal drawings when the present application is allowed.

In connection with the Examiner's comments, the abstract has been amended in part to delete the reference to "means" and is now believed to be in proper form.

Additionally, the specification has been amended to correct some minor errors therein. These minor corrections do not involve any new subject matter.

Claims 12, 15, 19-26, 46-49, 53-60, 62-70 and 78-80 were rejected under 35 U.S.C. § 112, second paragraph. Applicants respectfully respond as follows:

Claim 12 has been amended so that all the claimed features of Applicants' invention have a proper antecedent basis.

Claim 15 has been amended to better define the feature wherein the signal processor varies the exposure time relative to the background light level. Additionally, the Examiner is referred to page 30 (lines 20-29) of the specification explaining this feature. It is readily understood that the photosensor elements 32a are exposed for a given period or time to build up a charge corresponding to the incident light level. For low background light levels,

of course, the exposure time may be increased or maximized, and for high background light levels, the exposure time may be reduced.

With respect to Claims 19, 21, 24, these claims have been amended to better define the claimed inventions in view of the Examiner's comments, and are now believed to be allowable. As regards Claims 20, 22, 23, 25 and 26, these claims are also believed to be proper and therefore allowable in view of the amendments to the claims from which they depend. Additionally, Applicants refer to the specification at page 28, lines 10-30 and page 31, lines 5-15, where the features of these claims are described and explained.

With respect to Claim 46, the claim has been amended to better define the claimed invention. In particular, the claim has been amended to recite "a plurality of drive circuits connected to said control circuit, each of said plurality of drive circuits being connected to different ones of said plurality of variable reflectance mirrors." As to the rear or rearward area or scene, the Examiner is referred to pages 17 to 20 of the patent specification and Figures 3A and 3B, which illustrate rearward areas as viewed by the photosensor 2. Therefore, Claim 46, as well as Claims 47 and 48 depending therefrom, are now believed to be allowable.

With respect to Claim 49, this claim has been amended so that all claimed features have a proper antecedent basis.

With respect to Claims 53, 55 and 58, these claims have been amended to better define the claimed inventions in view of the Examiner's comments, and are now believed to be allowable. As regards Claims 54, 56, 57, 59 and 60, these claims are also believed to be proper in view of the amendments to the claims from which they depend. Additionally, Applicants refer to the specification at page 28, lines 10-30 and page 31, lines 5-15, where the features of these claims are described and explained.

With respect to Claims 62, 65, 66, 68-70 and 78-80, these claims have been amended to better define the claimed inventions in view of the Examiner's comments, and are now believed to be allowable. As regards Claims 63, 64 and 67, these claims are also believed to be proper and therefore allowable in view of the amendments to the claims from which they depend. Additionally, Applicants refer to the specification at page 28, lines 10-30 and page 31, lines 5-15, where the features of these claims are described and explained.

Claims 50 and 76 were rejected under 35 U.S.C. § 102(b) in view of U.S. Patent No. 4,571,615 to Fukada et al. ("Fukada"). Applicants respectfully traverse these rejections and request reconsideration.

First with respect to Claim 50, Applicants respectfully submit that Fukada at least does not disclose or even suggest any of the following features of Applicants' invention as embodied in Claim 50: photosensor array means

for sensing light levels in an area rearward of said at least one variable reflectance mirror and generating photosensor array signals; means for determining a background light signal from the photosensor array signals; means for determining a peak light signal from the photosensor array signals; and means for controlling a reflectance level of the at least one variable reflectance mirror using the background and peak light signals.

With respect to Claim 76, Applicants respectfully submit that Fukada at least does not disclose or even suggest any of the following steps of Applicants' invention as embodied in Claim 76: sensing light levels in an area rearward of the at least one variable reflectance mirror with an array of sensing elements; determining a background light level from the sensed light levels; determining a peak light level from the sensed light levels; and controlling a reflectance level of the at least one variable reflectance mirror using the determined background and peak light levels.

In particular, Fukada only shows a photosensor and a comparator used as a darkness detecting means for controlling a light switch 11 to switch front lights off and on (see Fukada, Col. 4, lines 48-56). Further, Fukada only shows a photo diode 8 (see Figure 2) or a photo conductive element 30 (see Figure 5) for establishing a glare condition, but simply does not disclose or suggest in any way the photosensor array means and related method step of the

claims. Accordingly, Fukada does not suggest in any way the features of Applicants' inventions in Claims 50 and 76.

Claims 50, 51 and 76 were also rejected under 35 U.S.C. § 102(b) in view of U.S. Patent No. 4,917,477 to Bechtel et al. ("Bechtel"). Like Fukada, it is respectfully submitted that this reference at least does not disclose or suggest in any way any of the features of Applicants' invention as embodied in Claims 50, 51 and 76, which were listed above with respect to Fukada. In particular, Figure 3 of Bechtel, like the two-sensor prior art before it, simply shows a backward or rearward facing photosensor and a forward facing photosensor. In stark contrast, the present patent application discloses Applicants' invention relating to an automatic mirror control system using a single rearwardly detecting or sensing photosensor. Applicants' inventions constitute significant advancements in single-sensor automatic mirror control systems as distinct from the prior art two-sensor automatic mirror control systems such as is shown, for example, in Bechtel.

In such two-sensor prior art systems, the backward or rearward facing photosensor simply averages all incident light to provide a photosensor signal that is used to represent glare light, while the forward facing photosensor (which is positioned on the forward facing side of the rearview mirror assembly that is opposite to the side on which the backward facing photosensor is located) simply averages all incident light to provide a photosensor signal

that is used to represent ambient light (see Bechtel, Col. 12, lines 34-47).

Applicants respectfully traverse the Office Action statement, in the context of this examination, that "ambient light acts as a background light with respect to the glare causing light." A plain reading of the present application makes clear that the photosensor array means of Claims 50 and 51, as well as the related method step of Claim 76, is used to mathematically determine a background light signal or level by analyzing the photosensor array signals or the array of sensed light levels, and does not determine an ambient light signal as is disclosed in Bechtel, as well as other such two-sensor prior art before it.

Additionally, Applicants respectfully traverse the Office Action statement, in the context of this examination, that "the detecting means for detecting the ambient light and the detecting means for detecting glare causing light are arranged in a structural relationship and mounted on the rear portion of the variable reflectance mirror." In particular, the ambient light detecting means and the glare light detecting means of Bechtel, like those used in the two-sensor prior art before it, are simply not mounted together in a structural relationship on the rear portion of the variable reflectance mirror assembly. Rather, the ambient light detecting means is mounted so as to be facing forward in the direction of the driver's view, and the glare light detecting means is mounted so as to be facing backward. Accordingly,

Applicants respectfully traverse these rejections and request reconsideration of Claims 50 and 76, as well as Claim 51 that depends from Claim 50.

Since Claims 50, 51 and 76 are allowable over the prior art, Applicants respectfully submit that Claims 52, 61, 71-75, 77 and 81-87 are also allowable, in view of the Examiner's comments as to these claims, since they ultimately depend from allowable Claims 50, 51 or 76. Applicants therefore traverse the rejections of Claims 52, 61, 71-75, 77 and 81-87, and respectfully request reconsideration of those claims.

Applicants have also added independent Claim 88, Claims 89-95 depending therefrom, independent Claim 96 and Claims 97-104 depending therefrom. These additional claims are believed to be in proper form, are fully supported in the specification and do not include any new matter. Applicants respectfully request the Examiner's consideration of these new claims.

INFORMATION DISCLOSURE STATEMENT

In compliance with the duty of disclosure under 37 C.F.R. § 1.56 and in accordance with the practice under 37 C.F.R. §§ 1.97 and 1.98, the Examiner's attention is directed to the documents listed on the enclosed Form PTO-1449. Copies of the listed documents are enclosed, as are translations of all non-English language documents except for JP-3284413, for which the Patent Abstract has been enclosed.

The concise explanation of relevance for the non-English documents is as follows:

Non-English language document DE-4118208 A1 relates to an "automatic directional screening system."

Non-English language document JP-3284443 relates to a "motor-driven sun visor device" using multiple photosensors.

Additionally, a copy of the PCT International Search Report for Donnelly's International Patent Application No. PCT/US94/01954, which claims priority from the present application, and which refers to the above cited documents, is attached for the Examiner's consideration. It is noted that the PCT International Search Report also cites U.S. Patents Nos. 4,917,477 and 5,168,378, which are of record. The Search Report also cites EPA 0 492 591 A1, which is a divisional application of EP 0 285 724, both of which correspond to and claim priority from U.S. Patent Application Serial No. 34,913, which issued as U.S. Patent No. 4,917,477 and which is of record.

It is further noted that Foreign Patent Document No. 53 (DE 3,041,612) cited in the Information Disclosure Statement filed on April 30, 1993 should have been cited as the same document as Foreign Patent Document No. 52, namely DE 3,041,692 (which is of record together with its English translation) and not as DE 3,041,612.

Finally, it is noted that the April 30, 1993 Information Disclosure Statement indicated that translations

were attached for all cited non-English language documents except for Foreign Patent Document No. 63 (JP-58-19941), while the corresponding PTO-1449 form indicated that a translation was attached. Therefore, an English translation of JP-58-19941 has been enclosed for the Examiner's consideration

It is respectfully requested that the above information be considered by the Examiner and that a copy of the enclosed Form PTO-1449 be returned to indicate that the Examiner has considered this information.

CERTIFICATION UNDER 37 C.F.R. § 1.97(e)

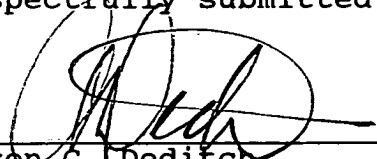
It is hereby certified that each item of information in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing date of this Statement.

CONCLUSION

Applicants respectfully submit that all outstanding rejections and objections have been addressed and are now either overcome or moot, and further submit that all claims pending in this application are patentable over the prior art. Applicants therefore respectfully request reconsideration and withdrawal of the pending rejections and objections.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 758-2400. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,



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